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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/978,352

10/16/2001

George Henry Ahrens JR.

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EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/978,352	AHRENS ET AL.	
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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- This action is responsive to the amendment and remarks file on 9/16/06.
- Claims 1-27 are amended are for further examination.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 9/16/06 have been fully considered but they are not persuasive.

Applicant argued that the cited art Moiin does not teach the possibility that the connectivity monitor could ever be absent, and does not teach monitoring a presence of the connectivity monitor.

Examiner respectfully disagreed with the arguments. Moiin disclosed the partition monitor (service processor) is able to detect a fault in the “software”/(service application) running on the node, which the failure that leads to the inoperability of a node of the system. The monitor system is able to determine whether or not the software is functioning (present) or failure (absent), and perform necessary action when there is a failure occurs on the software. It is analogous nature as the claimed application where, the system, is monitoring the service application in the hardware console, and determine the presences and absences of the service application.

Moiin's invention also comprising function that detects the change of signals that coming from the nodes, such that, if there's no “on” signal, then it is assumed that the node is either absent, or inoperative, which satisfy the limitation with the combination of AAPA of Claims.

Furthermore, Moins disclosed a service partition, which is the software that's in the partition monitors which prompt the system administrator the errors has occurred in the nodes.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-13, 15, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art, "Description of Related Art" within the Specification) in view of Moins et al hereinafter Moins (US 6,550,017).

1. Referring to Claims 1, 10, and 19, AAPA disclosed a method in a data processing system including a logically partitioned computer system and a hardware management console, said hardware management console being a stand-alone system separate from said computer system, a service application being executable by said hardware management console for managing service and placing service calls for said logically partitioned computer, said method comprising the steps of:

including a service partition and a service processor within said logically partitioned computer system (refer to page 2);

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AAPA did not expressly indicate monitoring, by said service processor, a presence of said service application executing on said hardware management console;

Moiin disclosed monitoring, by said service processor (partition monitor, Col 11, Lines 40-67), a presence of said service application (connectivity monitor, refer to Col 8, Lines 40-50) executing on said hardware management console (node, 30.1, 30.2, Fig 1).

AAPA did not expressly indicate the response to an absence of service application to system administrator of said service partition.

Moiin disclosed response to an absence of service application to system administrator of said service partition (refer to Col 12, Lines 1-15).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors (refer to Col 4, Lines 13-35).

2. Referring to Claims 2, 11 and 20, AAPA disclosed the service processor and service partition (refer to page 2)

AAPA did not disclose comprising the step of reporting, from said service processor, said absence of said service application said service partition.

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Moiin disclosed reporting from the service processor, said absence of said service application said service partition (refer to Col 12, Lines 1-15).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

3. Referring to Claims 3, 12, and 21, AAPA disclosed comprising outputting a signal from said service application utilizing said hardware management console said service processor (refer to page 2);

AAPA did not expressly indicate detecting absence of service application.

Moiin disclosed detecting absence of service application (refer to Col 12, Lines 1-15).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

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4. Referring to Claims 4, 13, and 22, AAPA did not disclose: determining that service application is absent in response to absence of said signal.

Moiin disclosed determining that service application is absent in response to absence of said signal (refer to Col 11, Lines 40-67)

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin to response to an absence of service application to system administrator of said service partition.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

5. Referring to Claims 6, 15, 24 are AAPA did not disclose the system comprises:  
displaying a message utilizing said service partition prompting said system administrator of said service partition to check whether said hardware management console is connected to said logically partitioned computer system;  
receiving an entry in response to said message; and  
in response to an entry that said hardware management console is disconnected from said logically partitioned computer system, displaying a message to said system administrator to reconnect said hardware management console to said logically partitioned computer system.  
Moiin disclosed displaying a message utilizing said service partition prompting said system administrator of said service partition to check whether said hardware management console is connected to say logically partitioned computer system (refer to Col 12, Lines 1-15);

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receiving an entry in response to said message (refer to Col 12, Lines 1-15) ; and  
in response to an entry that said hardware management console is disconnected from said  
logically partitioned computer system, displaying a message to said system administrator to  
reconnect said hardware management console to said logically partitioned computer system  
(refer to Col 12, Lines 1-15).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate  
AAPA with Moiin sent the message to administrator indicate the connectionless status between  
the logically partitioned computer system with the hardware management console.

The suggestion/motivation for doing so would have been by notifying the administrator the  
failure of the connection, so the administrator can fix the problem, not only decrease the  
downtime of the system, but also provide the best service to consolidate, evaluate the errors.

Claims 7-9, 16-18, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA  
(Applicant Admitted Prior Art, "Description of Related Art" within the Specification) in view of  
Moiin et al hereinafter Moiin (US 6,550,017) and in further view of Quinlan (US 20020021671).

6. Referring to Claim 7, 16, and 25, AAPA did not disclose in response to an entry of a message  
that said hardware management console is connected to said logically partitioned computer  
system, displaying a message utilizing said service partition prompting said system administrator  
to check physical links between said hardware management console and said logically partition  
computer system;  
receiving an entry in response to said message; and



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in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator or reestablish said physical links between said hardware management console and said logically partitioned computer system.

Moiin disclosed in response to an entry of a message that said hardware management console is connected to said logically partitioned computer system, displaying a message utilizing said service partition prompting said system administrator to check links between said hardware management console and said logically partition computer system (refer to Col 12, Lines 1-15); receiving an entry in response to said message (refer to Col 12, Lines 1-15); and

in response to an entry that said links are not intact, displaying a message utilizing said service partition prompting said system administrator or reestablish said physical links between said hardware management console and said logically partitioned computer system (refer to Col 12, Lines 1-15).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin that since the arts are analogous.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

AAPA and Moiin did not expressly indicate the links are physical link.

Quinlan disclosed the links are physical (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA, Moiin and Quinlan due to the fact that they are analogous art.

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The suggestion/motivation would have been that not only to check the logical link but as well as physical links between the device can ensure the tolerance system operation function not only software wise, but as well as hardware.

7. Referring to Claims 8, 17, and 26, AAPA did not response to an entry that said physical links are intact, displaying a message utilizing service partition prompting said system administrator to manually place a service call.

Moiin disclosed response to an entry that said links are intact, displaying a message utilizing service partition prompting said system administrator to manually place a service call (refer to Col 12, Lines 1-15, Col 13, Lines 53-67).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin that the administrator place the service call due to the problem in link.

The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

AAPA and Moiin did not expressly indicate the links are physical link.

Quinlan disclosed the links are physical (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA, Moiin and Quinlan due to the fact that they are analogous art.

The suggestion/motivation would have been that not only to check the logical link but as well as physical links between the device can ensure the tolerance system operation function not only software wise, but as well as hardware.

8. Referring to Claims 9, 18 and 27, AAPA disclosed not displaying a message utilizing said service partition prompting said system administrator to check physical links between said hardware management console and said logically partitioned computer system; receiving an entry to response to said message; and  
in response to an entry that said physical links are not intact, displaying a message utilizing said service partition prompting said system administrator to reestablish said links between said hardware management console and said logically partitioned computer system.

Moiin disclosed displaying a message utilizing said service partition prompting said system administrator to check links between said hardware management console and said logically partitioned computer system (refer to Col 12, Lines 1-15, Col 13, Lines 53-67);  
receiving an entry to response to said message (refer to Col 12, Lines 1-15, Col 13, Lines 53-67)  
and  
in response to an entry that said links are not intact, displaying a message utilizing said service partition prompting said system administrator to reestablish said links between said hardware management console and said logically partitioned computer system (refer to Col 12, Lines 1-15, Col 13, Lines 53-67).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA with Moiin that the administrator place the service call due to the problem in physical link.

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The suggestion/motivation for doing so would have been by notifying the administrator the failure of the connection, so the administrator can fix the problem, not only decrease the downtime of the system, but also provide the best service to consolidate, evaluate the errors.

AAPA and Moiin did not expressly indicate the links are physical link.

Quinlan disclosed the links are physical (refer to 0051-0056).

At the time of the invention, it would have been obvious of ordinary skill in the art to incorporate AAPA, Moiin and Quinlan due to the fact that they are analogous art.

The suggestion/motivation would have been that not only to check the logical link but as well as physical links between the device can ensure the tolerance system operation function not only software wise, but as well as hardware.

### *Conclusion*

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

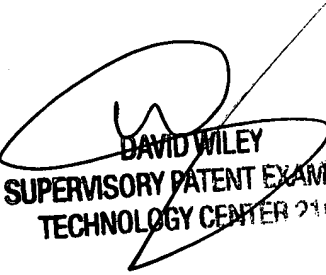
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

  
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